

Article - Public Utilities

[\[Previous\]](#)[\[Next\]](#)

§9-311.

(a) (1) At least 30 days before making a determination, the local governing body of a county shall notify a railroad company that the county will consider the need to protect a railroad crossing over a public highway if:

(i) the crossing is in the county but outside of a municipal corporation;

(ii) the crossing is at grade; and

(iii) the highway is believed to be of a character as to render dangerous the passage of locomotives and trains on it.

(2) A county shall give the notice by serving written notice on the superintendent or other agent of the railroad company in the county.

(3) After the 30-day period, the local governing body of a county may determine that protection is necessary at the crossing.

(4) The county shall notify the railroad company through its superintendent or ticket agent in the county that, within 60 days, the railroad company shall:

(i) place a flagman or a system of electric alarm bells at the crossing to give timely notice to all persons using the crossing of the approach of trains;

(ii) erect safety gates at the crossing that shall be closed not less than one-half minute before the passage and during the passage of a train; or

(iii) change the crossing at grade to an undergrade or overgrade crossing.

(b) If a railroad company does not comply with the requirements of a county under subsection (a)(4) of this section, the railroad company is subject to a fine of \$25 per day for each day that the company is not in compliance.

(c) (1) As other fines are collected, the local governing body of a county shall enforce the payment of fines imposed by subsection (b) of this section in the circuit court for the county.

(2) The State's Attorney of the county shall prosecute under this subsection when the local governing body of the county so directs.

[\[Previous\]](#)[\[Next\]](#)